

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Case No. 14-40363-ccc
Chapter 13

CLAUDETTE BOOTHE

Debtor
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AFFIRMATION IN SUPPORT OF MOTION TO WITHDRAW
AS COUNSEL FOR DEBTOR CLAUDETTE BOOTHE

LORNA J. LAMOTTE, ESQ., an attorney duly admitted to practice before the Courts of this State, affirms the following:

1. I am the attorney of record for Debtor Claudette Boothe, and as such I am fully familiar with the facts and circumstances herein.

2. I make this affirmation in support of the within motion seeking an Order permitting this firm to withdraw as counsel for Debtor Claudette Boothe.

3. The debtor commenced this Chapter 13 proceeding *Pro Se*, with the filing of a petition on January 29, 2014.

4. This office was retained on April 23, 2014 to represent the debtor in the pending Chapter 13 proceeding and all matter related thereto.

5. The office made its first appearance on this matter on April 24, 2014 at a hearing to consider Debtor's request for Loss Mitigation after opposition was filed by the secured creditor Rossrock Fund II. LLP and to consider Rossrock's Motion for relief from the automatic stay as it pertains to Debtor's real property located at 3211 Church Avenue, Brooklyn, New York.

6. After hearing the matter, the Court granted the motion of Rossrock to lift the automatic stay pursuant to 11.U.S.C. 362 (d). Furthermore the request for Loss Mitigation was withdrawn by the undersigned due to fact Debtor was not a party to the underlying mortgage and therefore in the undersigned's judgment, Debtor did not qualify for the Court's loss mitigation program.

7. The debtor has since expressed her desire to discharge this firm from further representation of her in this matter due to her dissatisfaction with the outcome of the hearings as well as her vision of how the case should proceed.

8. This firm and the Debtor have differing views on how the case should proceed and as such, the attorney client relationship has irretrievably broken down.

9. Consequently, this firm requests that the Court grant this motion to be relieved as counsel for the Debtor.

10. As required by E.D.N.Y. LBR 2090-1 the status of the Debtor's chapter 13 proceeding is as follows:

a. As mentioned above, the Court granted a motion to Lift the automatic stay on Debtor's real property located at 3221 Church Avenue, Brooklyn, New York. As of the date of this Motion, the Order has not been signed.

b. On or about March 6, 2014, the Chapter 13 Trustee filed a motion to dismiss the Chapter 13 case with a hearing scheduled for April 3, 2014. The hearings on the Motion to Dismiss as well as Confirmation of the Debtor's plan were adjourned to April 22, 2014 and then further adjourned to May 13, 2014.

c. Debtor 341(a) hearing has been adjourned from March 5, 2014 to March 26, 2014, then April 11, 2013 and further to April 16, 2014. Upon information and belief the Debtor has not been examined by the Trustee.

d. With the exception of the pending Trustee's motion to dismiss, the undersigned knows of no other pending motion or contested matter in this proceeding.

e. As of the date of this motion Debtor has paid \$9000.00 to the Trustee, \$1500.00 short of the required \$10,500.00 that is due to date.

11. It is respectfully requested that should this Motion be granted, that the Debtor be allowed a stay of further proceedings so that she may attempt to obtain replacement counsel.

WHEREFORE, it is respectfully request that the Court grant Movant's application to be relieved as counsel for Debtor Claudette Boothe, and for such other and further relief that this court deems just and proper.

Dated: New, York, New York
May 5, 2014

The Law Offices of Lorna J LaMotte PLLC

/s/ **Lorna J LaMotte**

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